


IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 01 CR 1115
)	13 C 487
JUAN DURAN,)	
)	
Defendant.)	

MEMORANDUM ORDER

Juan Duran ("Duran") has filed a "Motion To File A [sic] Answer" to his self-prepared 28 U.S.C. §2255 ("Section 2255") motion "To Vacate, Set Aside or Correct Sentence by a Person in Federal Custody." That motion crossed in the mail this Court's January 28, 2013 memorandum order ("Order"), which has dismissed Duran's Section 2255 motion because of the doctrine "that, absent extraordinary circumstances, the district court should not consider §2255 motions while a direct appeal is pending" (United States v. Robinson, 8 F.3d 398, 405 (7th Cir. 1993)). Accordingly Duran's most recent motion is denied as moot. As the Order contemplated, Duran may have occasion to consider the refiling of a Section 2255 motion after his pending appeal is disposed of, and in that event Rule 4(b) of the Rules Governing Section 2255 Proceedings may call for an answer by the government.



Milton I. Shadur
United States District Judge

Date: February 5, 2013